

PROPOSED ORDER/COVER SHEET

TO: Honorable Wayne D. Brazil
U.S. Magistrate Judge

FILED

RE: Bobbie Ray Alexander

JAN 31 2008

FROM: Claudette M. Silvera, Chief
U.S. Pretrial Services Officer

DOCKET NO.: CR07-00488 CW

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Hence Williams III
U.S. Pretrial Services Officer

510-637-3755**TELEPHONE NUMBER****RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)**

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- ☐ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- ☒ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. 4
on TUESDAY, FEB. 5, 2008 at 10:00 a.m.
- ☐ Inform all parties concerned that a Bail Review Hearing will be conducted by:
Magistrate Judge _____ Presiding District Court Judge _____
- ☐ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- ☐ Modification(s)
- A.
- B.
- ☐ Bail Revoked/Bench Warrant Issued.
- ☐ I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).
- ☐ Other Instructions:

Wayne D. Brazil
JUDICIAL OFFICER

1/31/08
DATE

Cover Sheet (12/03/02)

cc: WDB's Staff, Copy to parties via ECF,
Pretrial, Sheila, Financial

To: Honorable Wayne D. Brazil
U.S. Magistrate Judge

From: Hence Williams III
U.S. Pretrial Services Officer

Subject: Bobbie Ray Alexander
CR07-00488

Date: January 30, 2008



MEMORANDUM

Your Honor:

Bobbie Alexander is one of 11 defendants charged in an Indictment with a violation of Title 18, United States Code, Section 1028(f)- Conspiracy to Unlawfully Transfer or Use a Means of Identification of Another.

Mr. Alexander initially appeared before Your Honor on September 5, 2007, charged with the instant offense. At that time, Mr. Alexander waived his right to a detention hearing as he was serving a state prison sentence for violating his parole. He was remanded to the custody of the United States Marshals pending his next court date. On January 3, 2008, the defendant appeared before Your Honor for bond signing. On this date, the defendant was released on a \$100,000 unsecured bond, with the following special conditions of release:

1. The defendant shall report to Pretrial Services as directed;
2. The defendant's travel is restricted to the Northern District of California;
3. The defendant shall surrender any passports in his possession as soon as possible and shall not apply for any new passports or other travel documents;
4. The defendant shall participate in drug/mental health/alcohol counseling, and submit to drug/ alcohol testing, as directed by Pretrial Services;
5. The defendant shall not possess any firearms, destructive devices or any other dangerous weapons;
6. The defendant shall maintain current employment or if unemployed, shall seek and maintain verifiable employment;
7. The defendant shall submit to cyber monitoring as deemed appropriate by Pretrial Services
8. The defendant shall have no contact with any co-defendants outside of the presence of defense counsel;
9. The defendant shall not change residence without prior approval of Pretrial Services; and
10. The defendant shall not have any contact with minors unless in the presence of an adult.

On January 22, 2008, Your Honor modified the defendant's conditions of release to include:

- A. The defendant shall participate in an inpatient drug treatment program as directed by Pretrial Services. The defendant must follow the rules and regulations of the program at all times.

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MEMORANDUM TO THE HONORABLE WAYNE D. BRAZIL, U.S. MAGISTRATE JUDGE

RE: Alexander, Bobbie

CASE #:CR07-00488

Since his release into pretrial supervision, the defendant has tested positive for illicit drug use on multiple occasions. He has also admitted to drug use. However, the defendant is willing to participate in residential drug treatment.

Due to the restrictions under California Penal Code, Section 3003.5, none of our contracted residential drug treatment providers can accept the defendant into their facility. California Penal Code, Section 3003.5(b) states:

"Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school, or park where children regularly gather."

Furthermore, Mr. Alexander failed to report to this officer for scheduled drug test on January 25, 2008, and again on January 28, 2008. This officer spoke with the defendant on January 29, 2008, when he stated he forgot about the appointments. Upon further questioning Mr. Alexander stated he had used methamphetamine on January 26, 2008.

This officer has spoken with Defense Counsel, Garrick Lew, and Assistant United States Attorney Keslie Stewart, regarding this matter.

RECOMMENDATION: In light of the above information, Pretrial Services respectfully recommends that Your Honor convene a Bail Revocation Hearing so that the defendant may show cause why his bond should not be revoked and he be remanded to the custody of the U.S. Marshals Service pending the resolution of this case.

This memorandum is submitted for Your Honor's review and direction.

Respectfully submitted,


Hence Williams III
U.S. Pretrial Services Officer

Reviewed by


Allen Lew

Supervising U.S. Pretrial Services Officer

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MEMORANDUM TO THE HONORABLE WAYNE D. BRAZIL, U.S. MAGISTRATE JUDGE

RE: Alexander, Bobbie

CASE #:CR07-00488

cc: Mr. Kelsie Stewart, AUSA

Mr. Garrick Lew, Defense Counsel